

1 A bill to be entitled
 2 An act relating to housing authorities; creating s.
 3 421.281, F.S.; providing for the creation of
 4 consolidated housing authorities under certain
 5 conditions; providing requirements; providing the area
 6 of operation of a consolidated housing authority;
 7 providing duties of a governing body of a county or
 8 municipality included in the area of operation;
 9 providing public hearing requirements; providing for
 10 the appointment of commissioners; providing powers and
 11 duties of a consolidated housing authority and its
 12 commissioners; amending s. 421.32, F.S.; authorizing a
 13 consolidated housing authority to borrow money, accept
 14 grants, and exercise its other powers for certain
 15 purposes; amending s. 421.321, F.S.; authorizing a
 16 consolidated housing authority to execute mortgages
 17 encumbering real property for certain purposes;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 421.281, Florida Statutes, is created
 23 to read:

24 421.281 Consolidated housing authorities.—

25 (1) CREATION.—

26 (a) If the commissioners of at least two, but no more than

27 three, municipal or municipal and county housing authorities of
 28 neighboring areas of operation within the same county that are
 29 not under federal receivership declare by identical resolution,
 30 after a public hearing and two consecutive meetings at which
 31 such resolution is heard, that there is a need for merging their
 32 authorities which serves the best interest of their respective
 33 tenants and communities, one housing authority shall be created
 34 for all of such authorities to exercise powers and other
 35 functions herein prescribed in such areas of operation through a
 36 public body corporate and politic to be known as a consolidated
 37 housing authority.

38 (b) After the consolidation, each housing authority
 39 created by s. 421.04 or s. 421.27 for each of the areas shall
 40 cease to exist except for the purpose of winding up its affairs
 41 and executing a deed to the consolidated housing authority as
 42 hereafter provided, if:

43 1. All obligees of such housing authorities and parties to
 44 the contracts, bonds, notes, and other obligations of such
 45 housing authorities agree to the substitution of the
 46 consolidated housing authority; and

47 2. The commissioners of such housing authorities adopt a
 48 resolution consenting to the transfer of all of the rights,
 49 contracts, obligations, and property, real and personal, to the
 50 consolidated housing authority.

51 (c) When any real property of a housing authority vests in
 52 a consolidated housing authority as provided in subsection (2),

53 the housing authority shall execute a deed of such property to
 54 the consolidated housing authority which thereupon shall file
 55 such deed with the recorder of deeds of the county where such
 56 real property is located.

57 (d) In any suit, action, or proceeding involving the
 58 validity or enforcement of or relating to any contract of the
 59 consolidated housing authority, the consolidated housing
 60 authority shall be conclusively deemed to have become created,
 61 established, and authorized to transact business and exercise
 62 its powers hereunder upon proof of the adoption of a resolution
 63 by the commissioners of each of the authorities creating the
 64 consolidated housing authority.

65 (2) AREA OF OPERATION.—

66 (a) The area of operation of a consolidated housing
 67 authority shall include the combined areas of operation of the
 68 housing authorities which merged to form the consolidated
 69 housing authority.

70 (b) In determining whether dwelling accommodations are
 71 unsafe or insanitary under this section, the governing body of a
 72 county or municipality included in the area of operation of the
 73 consolidated housing authority shall take into consideration the
 74 safety and sanitation of the dwellings, the light and airspace
 75 available to the inhabitants of such dwellings, the degree of
 76 overcrowding, the size and arrangement of the rooms, and the
 77 extent to which conditions exist in such buildings which
 78 endanger life or property by fire or other causes.

79 (c) In connection with the issuance of bonds or the
 80 incurring of other obligations, a consolidated housing authority
 81 may covenant as to limitations on its right to adopt resolutions
 82 relating to the increase of its area of operation.

83 (d) A governing body of a county or municipality may not
 84 adopt any resolution authorized by this section unless a public
 85 hearing has first been held. The clerk of such county or
 86 municipality shall give notice of the time, place, and purpose
 87 of the public hearing at least 10 days before the day on which
 88 the hearing is to be held, in a newspaper published in such
 89 county and in a newspaper published in the county in which such
 90 municipality is located, or, if there is no newspaper published
 91 in such locations, then in a newspaper published in the state
 92 and having a general circulation in such locations. Upon the
 93 date fixed for such public hearing, an opportunity to be heard
 94 shall be granted to all residents of such county or municipality
 95 and to all other interested persons.

96 (3) COMMISSIONERS.—

97 (a) If a consolidated housing authority consisting of two
 98 merged housing authorities is created as provided in this
 99 section, five commissioners shall be appointed in the following
 100 manner:

101 1. Three commissioners who are qualified electors within
 102 the area of operation of the consolidated housing authority,
 103 appointed by the Governor.

104 2. One commissioner who is a qualified elector within one

105 of the areas of operation merged to form the consolidated
 106 housing authority, appointed by the mayor of the municipality in
 107 which the merged area of operation is located or appointed by
 108 the chair of the commission of the county in which the merged
 109 area of operation is located, if the merged area of operation is
 110 not located within the boundaries of a municipality.

111 3. One commissioner who is a qualified elector within the
 112 other area of operation merged to form the consolidated housing
 113 authority, appointed by the mayor of the municipality in which
 114 the merged area of operation is located.

115 (b) If a consolidated housing authority consisting of
 116 three merged housing authorities is created as provided in this
 117 section, seven commissioners shall be appointed in the following
 118 manner:

119 1. Four commissioners who are qualified electors within
 120 the area of operation of the consolidated housing authority,
 121 appointed by the Governor.

122 2. One commissioner who is a qualified elector within one
 123 of the areas of operation merged to form the consolidated
 124 housing authority, appointed by the mayor of the municipality in
 125 which the merged area of operation is located or appointed by
 126 the chair of the commission of the county in which the merged
 127 area of operation is located, if the merged area of operation is
 128 not located within the boundaries of a municipality.

129 3. One commissioner who is a qualified elector within the
 130 other area of operation merged to form the consolidated housing

131 authority, appointed by the mayor of the municipality in which
132 the merged area of operation is located.

133 4. One commissioner who is a qualified elector within the
134 third area of operation merged to form the consolidated housing
135 authority, appointed by the mayor of the municipality in which
136 the merged area of operation is located.

137 (c) Three of the commissioners appointed by the Governor
138 shall serve for terms of 1, 2, and 3 years, respectively. The
139 remaining commissioners shall serve for terms of 4 years each
140 beginning on the date of their appointment. Thereafter, the
141 commissioners of a consolidated housing authority shall serve 4-
142 year terms, except that all vacancies shall be filled for the
143 unexpired terms. Each commissioner shall hold office until a
144 successor has been appointed and has qualified, except as
145 otherwise provided in this section.

146 (d) A certificate of appointment of any commissioner of a
147 consolidated housing authority shall be filed with the county
148 clerk of the county in which the commissioner resides. Such
149 certificate shall be conclusive evidence of the due and proper
150 appointment of such commissioner.

151 (e) The commissioners appointed pursuant to this section
152 constitute the consolidated housing authority, and the powers of
153 such authority shall be vested in such commissioners in office
154 from time to time.

155 (f) The commissioners of a consolidated housing authority
156 shall elect a chair from among the commissioners and shall have

157 the power to select or employ such other officers and employees
158 as the consolidated housing authority may require. A majority of
159 the commissioners of a consolidated housing authority shall
160 constitute a quorum for conducting business and exercising its
161 powers and for all other purposes.

162 (4) POWERS AND DUTIES.—

163 (a) Except as otherwise provided in this section, a
164 consolidated housing authority and the commissioners of such
165 authority shall, within the area of operation of such authority,
166 have the same functions, rights, powers, duties, privileges, and
167 immunities provided for housing authorities created for counties
168 or municipalities and the commissioners of such housing
169 authorities in the same manner as though all the provisions of
170 law applicable to housing authorities created for counties or
171 municipalities were applicable to consolidated housing
172 authorities. For purposes of this section, the term "mayor" has
173 the same meaning as the term "Governor" and the term "clerk" has
174 the same meaning as the term "county or municipal clerk," unless
175 a different meaning clearly appears from the context. The
176 Governor may appoint any person as commissioner of a
177 consolidated housing authority who resides in the area of
178 operation of the consolidated housing authority and any
179 commissioner of a consolidated housing authority may be removed
180 or suspended in the same manner and for the same reason as other
181 officers appointed by the Governor.

182 (b) The commissioners of a consolidated housing authority

183 may select an appropriate corporate name.

184 Section 2. Section 421.32, Florida Statutes, is amended to
 185 read:

186 421.32 Rural housing projects.—County housing authorities,
 187 consolidated housing authorities, and regional housing
 188 authorities are specifically empowered and authorized to borrow
 189 money, accept grants, and exercise their other powers to provide
 190 housing for farmers of low income and domestic farm labor as
 191 defined in s. 514 of the Federal Housing Act of 1949. In
 192 connection with such projects, any such housing authority may
 193 enter into such leases or purchase agreements, accept such
 194 conveyances and rent or sell dwellings forming part of such
 195 projects to or for farmers of low income, as such housing
 196 authority deems necessary in order to assure the achievement of
 197 the objectives of this law. Such leases, agreements or
 198 conveyances may include such covenants as the housing authority
 199 deems appropriate regarding such dwellings and the tracts of
 200 land described in any such instrument, which covenants shall be
 201 deemed to run with the land where the housing authority deems it
 202 necessary and the parties to such instrument so stipulate. In
 203 providing housing for farmers of low income, county housing
 204 authorities and regional housing authorities shall not be
 205 subject to the limitations provided in ss. 421.08(3) and
 206 421.10(3). Nothing contained in this section shall be construed
 207 as limiting any other powers of any housing authority.

208 Section 3. Section 421.321, Florida Statutes, is amended

PCS for HB 1043

ORIGINAL

2015

209 | to read:

210 | 421.321 Execution of mortgages.—County housing
211 | authorities, consolidated housing authorities, and regional
212 | housing authorities organized under this chapter are authorized
213 | to execute mortgages encumbering real property as security for
214 | loans made for providing facilities for domestic farm labor
215 | pursuant to s. 514 of the Federal Housing Act of 1949.

216 | Section 4. This act shall take effect July 1, 2015.